THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 5790 of 2000

Oral order:

The 1st petitioner while working as Mazdoor with the respondent-Visakhapatnam Dock Labour Board, was retired on medical grounds 10.03.1999. Consequent upon his medical invalidation, the 2nd respondent being the son, made an application dated 30.07.1999 to the respondent to provide him suitable employment on compassionate grounds. However, it is the case of the 2nd petitioner that the respondent did not call him for interview and for selection. Hence, the petitioners filed the present writ petition.

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondent-Visakhapatnam Dock Labour Board.

As is evident from the counter filed by the respondent, the respondent rejected the case of the 2nd petitioner for compassionate appointment on the ground that another son of the petitioner is working in a Cargo Handling Private Workers Pool, maintained by Stevedores Association in Visakhapatnam. The ground on which the respondent rejected the case of the 2nd petitioner for employment on compassionate grounds cannot be sustained, for the reason that in a similar writ petition filed by the dependant of an employee against this very same respondent, a learned Judge of this Court in W.P. No. 9558 of 2000, by orders dated 19.04.2001, held that compassionate appointment cannot be denied to the dependant of the employee on the ground that another son of the dependant is working in a private organization. However, in the writ appeal in W.A. No. 853 of 2001, filed by the Visakhapatnam Dock Labour Board, against the judgment of the learned single Judge, while accepting the submission of the Board that no mandamus can be issued directing that a person should be appointed on compassionate grounds, disposed of the writ appeal directing the appellant-respondent to consider the case of the writ petitioner for appointment on compassionate grounds in accordance with the rules.

Since the facts situation, in the present case is also similar, to

the one in W.A. No. 853 of 2001, following the judgment dated 27.09.2006, passed by the Division Bench of this Court therein,

I deem it appropriate to dispose of the writ petition with the following directions:

The respondent is directed to consider the case of the petitioner for appointment on compassionate grounds in accordance with the rules, within a period of three months from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Dated: 12th April, 2007.
KSR